

Jesus Gonzalez Rodriguez, age 9		JESUS N. GONZALEZ, Father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 6-11-13, 7-30-13, 9-10-13, 10-8-13, 12-13-13. See following pages. Minute Order 10-8-13: Ms. Ibarra is being assisted by an interpreter. Mr. Gonzalez informs the Court that he has an appointment with the counselor today. The Court indicates to the parties that it is not changing the visitation time and they are to mutually agree on a location for visitation to take place during the winter months. The Court orders that Jesus and his father participate in conjoint counseling with a licensed clinical therapist for the purpose of facilitating unsupervised visits. In the event that a licensed therapist is not available in Firebaugh, arrangements are to be made elsewhere with a licensed therapist. Ms. Aguilar is ordered to notify the therapist that the Court will be expecting a report as to how conjoint counseling is progressing. Continued to 12/3/13. Minute Order 12-13-13: Counsel informs the Court that father and child are in the process of registering with County Mental Health for an evaluation. Counsel requests continuance. The Court orders that all orders remain in full force and effect. Matter continued to 3-3-14. The Court will entertain an order shortening time if necessary.
Cont. from 061113, 073013, 091013, 100813, 121313		MARIA IBARRA, Maternal Grandmother, was appointed Guardian on 6-26-08. - served by mail 5-27-13 Mother: Patricia Rodriguez (Deceased) Paternal Grandfather: Jose Gonzalez Paternal Grandmother: Josefina Gonzalez Maternal Grandfather: Lorenzo Rodriguez	
<input type="checkbox"/>	Aff.Sub.Wit.		Petitioner requests to have custody of his son and to have his case reviewed. Petitioner sees no reason for his son to be with his grandmother when he is fully capable and willing to be fully responsible for his son. Petitioner doesn't feel the visitation that he is allowed is sufficient to fully bond with his son, especially now that he will be having a sibling. Petitioner believes it is in his son's best interest to be closer to his little brother and father than the 2 hours a week that is currently allowed (sometimes less because the grandmother arrives late). Petitioner believes his son needs a father figure and he and his wife are able to provide a stable house for his son. Petitioner states there is no need for his son to continue living with his grandmother when he has a loving father who wants to be a part of his life. Court Investigator Jennifer Young filed a report on 7-26-13. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
✓	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc Reviewed on: 2-26-14 Updates: Recommendation: File 1 – Rodriguez

Page 2

Minute Order 7-30-13: Also present in the courtroom is Jesus Rodriguez. Rosie Valdivinos is sworn and interprets for Maria Ibarra. Ms. Ibarra objects to the petition. Visitation between father and the minor is ordered as follows: visitation shall be every Sunday from 1:00 p.m. to 5:00 p.m. at a place mutually agreed upon by the parties. Father is ordered not to expose the minor to any horror movies or encourage any horse play with other children that may be uncomfortable for the minor. **The Court orders the court investigator to contact the Carmen Meza Center regarding the minor's therapy. Parties enter into a waiver of confidentiality for said purpose.** Continued to 9/10/13.

Court Investigator Jennifer Young filed a report on 9-3-13.

Guardian Maria Ibarra filed a declaration on 9-6-13. Ms. Ibarra states Jesus has always been in her custody since the death of his mother on 10-31-05. Jesus' mother was murdered with a kitchen knife. Her throat was cut open and Jesus was found on top of his mother's dead body covered in blood (at age 1½). The police turned him over to Ms. Ibarra that day. Shortly after the murder, Ms. Ibarra spoke with Mr. Gonzalez, who stated she could keep Jesus as long as he could use his SSN for his taxes. He did not participate in Jesus' life. When Jesus was two years old, Ms. Ibarra allowed overnight visits. During the visits, Jesus slept on pillows on the floor with the family dog. Mr. Gonzalez never returned him on time and she always had to pick him up. On one occasion, he wasn't even present, and Jesus was running around unsupervised with the grandfather getting drunk with his friends. A police report was made. In 2008, Jesus came home with a burn on his hand. Jesus told her that his aunt Karina was mad at him and grabbed his hand and burned it. A police report was made. Also, Jesus was always starving upon return from his visits.

Ms. Ibarra's Declaration (Cont'd):

Of great concern to Ms. Ibarra is the fact that Mr. Gonzalez was inconsiderate of what happened to Jesus. He had him watch the movie "Chucky" where a doll is murdering people with a knife. Mr. Gonzalez should have been more conscious of the fact that Jesus' mother was killed with a knife. Jesus was traumatized.

Ms. Ibarra states that even now, he continues to have little regard for Jesus' needs, and Mr. Gonzalez lacks maturity when it comes to Jesus' care. Recently he forced horseplay (fight) with Jesus' cousins, and tried to block Ms. Ibarra from seeing with a chair.

Further traumatizing Jesus, Mr. Gonzalez had Ms. Ibarra served with court papers in front of Jesus. The person was rude and disrespectful, demanding to see photo identification or verification of her address. She felt forced to show her PGE bill. Jesus was scared that he was going to be removed from her home.

Ms. Ibarra states she regularly attends church on Sunday afternoons. Jesus enjoys this because that is when his friends go to service too. Mr. Gonzalez refuses to change the visitation schedule so Jesus can attend. Ms. Ibarra would like visits to be Sundays 9-12.

Ms. Ibarra is not opposed to the court ordering Mr. Gonzalez to attend therapeutic visits with Jesus and his counselor. She has attended some sessions, and believes he should also.

Mr. Gonzalez pays only \$128/month child support. Ms. Ibarra pays \$60-70/week in child care. Mr. Gonzalez takes no interest in helping pay for school supplies, uniforms, medical bills, and **refuses to provide her with his insurance card or a letter stating he is not covered. The providers will not accept Medi-Cal because their system shows he has an insurance provider.** Jesus suffers from asthma and this is creating a hardship. Ms. Ibarra cannot afford these bills. All she needs from him is the insurance card.

See additional pages

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Minute Order 9-10-13 states: Ms. Valdivinos is sworn and interprets for Maria Ibarra. Maria Ibarra objects to the petition. Counsel is directed to facilitate counseling between father and child. Matter continued to 10/8/13.

Declaration of Jesus N. Gonzalez filed 10/03/2013 disputes the claims of the guardian, Maria Ibarra. Mr. Gonzalez is seeking to increase his visitation with the minor child to include overnight visits in order for him to become more familiar with his family and become a stronger part of their lives. Mr. Rodriguez states that both he and the guardian shared custody of Jesus, the minor child, without a structured agreement and transportation of the child was done by both parties as well as the father's sister. The father states that when the child would visit his family he always had a comfortable place to sleep, not on the floor. He states the child was with him one time while watching movie clips on You-Tube and there were a few clips from the movie "Chucky" as well as other comedies, cartoons and other genres. The father states the child did not seem disturbed by any of the movie clips. Mr. Gonzalez states that the safety of his son is always held in high regards. He says that Jesus is a normal 10 year old who regularly plays with all of his cousins. Mr. Gonzalez states that he has always been and is willing to help with the child's needs. He states he has purchased shoes, clothing and other items outside of the dollar amount taken for child support. He states that the guardian makes it difficult to bring gifts from family members since she is an active Jehovah's Witness and has gotten upset with Mr. Gonzalez's mother for taking a birthday cake to celebrate with the child during one of the visits. Mr. Gonzalez states that he has provided the guardian with a letter for the child's medical coverage.

Mr. Gonzalez' Declaration (Cont'd):

Attached to the declaration are pictures of the child with the father in response to the allegations that the child does not want to visit with the father.

Confidential Supplemental Investigator's Report filed 10-1-13 by Court Investigator Jennifer Young

Minute Order 10-8-13: Ms. Ibarra is being assisted by an interpreter. Mr. Gonzalez informs the Court that he has an appointment with the counselor today. The Court indicates to the parties that it is not changing the visitation time and they are to mutually agree on a location for visitation to take place during the winter months. The Court orders that Jesus and his father participate in conjoint counseling with a licensed clinical therapist for the purpose of facilitating unsupervised visits. In the event that a licensed therapist is not available in Firebaugh, arrangements are to be made elsewhere with a licensed therapist. Ms. Aguilar is ordered to notify the therapist that the Court will be expecting a report as to how conjoint counseling is progressing. Continued to 12/3/13.

As of 2-26-14, nothing further has been filed.

(1) First and Final Report of Executor on Waiver of Account and for (2) Final Distribution

DOD: 3-8-06	ARACELI SOTO GOMEZ Executor with full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 12-10-13, 1-28-14
	Accounting is waived.	Minute orders reflect continuance, but no other information is noted.
Cont. from 121013, 012814	I&A: \$68,035.00 POH: \$68,035.00 (Decedent's one-third interest in real property plus personal property)	As of 2-26-14, nothing further has been filed. The following issue remains:
<input type="checkbox"/> Aff.Sub.Wit.	Executor (Statutory): Waived	1. According to Attorney Cross' status report filed 12-12-12, it was learned that there was a title issue stemming from Decedent's divorce in 1983 wherein the Decedent was awarded the residence, but the judgment did not contain the complete legal description of the property, so the assessor had no record of transfer to her alone. Attorney Cross anticipated filing an application to the Family Court in the old dissolution case 0274152-8 to modify the judgment or sign a deed conveying the property.
<input checked="" type="checkbox"/> Verified	Attorney (Statutory): Waived	In this petition, Petitioner states the correction is expected to be completed before this hearing; however, Court records do not reflect any activity in that case.
<input checked="" type="checkbox"/> Inventory	Costs: \$1,090.00 (to be paid by Executor outside of probate estate)	Was the title issue corrected? Is the estate in a position to close? Need clarification.
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Distribution pursuant to Decedent's will:	
<input checked="" type="checkbox"/> Notice of Hrg	Araceli Soto Gomez: \$67,285 (Decedent's one-third interest in real property plus personal property)	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 2-26-14
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input checked="" type="checkbox"/> FTB Notice		File 2 – Soto

(1) First and Final Account and Report of Personal Representative, Petition for Settlement and (2) for Allowance of Commission and Attorneys Fees for Ordinary Services, Costs, Reserve and (3) for Final Distribution

DOD: 12/10/10		LAWRENCE M. LOWE , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Order. Note: the proposed distribution includes the distribution of property to a testamentary trust, therefore the terms of the testamentary trust must be stated in the Order.
		Account period: 12/10/10 – 01/16/14	
Cont. from		Accounting - \$271,986.28	
Aff.Sub.Wit.		Beginning POH - \$149,488.53	
✓	Verified	Ending POH - \$161,712.94 (\$20,928.30 is cash)	
✓	Inventory		
✓	PTC	Executor - \$8,439.11 (statutory)	
✓	Not.Cred.		
✓	Notice of Hrg	Attorney - \$8,439.11 (statutory)	
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.	Costs - \$1,415.00 (Publication, filing fees, certified copies)	
	Pers.Serv.		
	Conf. Screen	Closing - \$2,000.00	
	Letters	06/02/11	
	Duties/Supp	Distribution, pursuant to decedent's will, is to:	
	Objections	Lawrence M. Lowe - \$317.54 cash, plus ½ interest in Morgan Stanley account valued at \$70,392.32	
	Video Receipt		
	CI Report		
✓	9202		
	Order	x	
	Aff. Posting	Lawrence M. Lowe, as Trustee for Testamentary Trust for the benefit of Sharon Oniwa - \$317.54 cash, plus ½ interest in Morgan Stanley account valued at \$70,392.32	
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: JF
			Reviewed on: 02/26/14
			Updates:
			Recommendation:
			File 3 – Lowe

(1) Waiver of Accounting and Petition for Final Distribution and for (2) Allowance of Compensation (PC 16100)

DOD: 3/31/12		GREGORY TAYLOR , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	Petition includes but is not limited to the following deficiencies:
Cont. from		I & A - \$504,522.95	<ol style="list-style-type: none"> Need Notice of Hearing. Need proof of service of the Notice of Hearing on all beneficiaries of the trust. Probate Code §1208. <ul style="list-style-type: none"> Cheryl Mason Pamela Carr Christopher Taylor Jeffrey Taylor Nicole Taylor Petition was verified by the attorney and not the executor. An attorney cannot verify for a fiduciary. Probate Code §1023. Need property tax certificate. Petition does not state whether or not the Franchise Tax Board was noticed pursuant to Probate Code §9202(c)(1). Petition does not include a statement re: notice to the Director of Victims Compensation and Government Claims Board. Probate Code §216 and 9202(b) Need property on hand schedule. California Rules of Court, Rule 7.550(b)(4). Petition does not state whether or not the executor is waiving his statutory fees. Petition requests distribution of the estate to petitioner, Gregory Taylor, and to Christopher Taylor, Jeffery Taylor and Nicole Taylor. Will devised the estate to the Mason Family Trust. Therefore distribution must be to the Mason Family Trust. Need written acceptance of the Trust by the Trustee. Probate Code §10954(b)(4). Need proposed order.
<input type="checkbox"/>	Aff.Sub.Wit.	POH - ????	
<input type="checkbox"/>	Verified	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Inventory	Executor - not addressed	
<input type="checkbox"/>	PTC	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	Attorney - \$13,090.46	
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	119/12	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	<input checked="" type="checkbox"/>	

Reviewed by: KT
Reviewed on: 2/26/14
Updates:
Recommendation:
File 4 – Mason

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 17 years		<u>Temporary Expires 3/3/14</u>		NEEDS/PROBLEMS/COMMENTS:	
		VERONICA AREVALO , paternal aunt, is petitioner.		<p>Note: Petition for Factual Findings Regarding Minor's Eligibility to Apply for Special Immigration Status in on page 5B</p> <ol style="list-style-type: none"> 1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Francisco A. Arevalo-Iraheta (minor) 2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Luis Alonso Mebreno Hernandez (paternal grandfather) b. Leonidas Arevalo Viuda de Garcia (paternal grandmother) 	
Cont. from 011314, 021014		Father: JUAN ANTONIO AREVALO – consents and waives notice.			
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>			
<input type="checkbox"/>	Inventory	<input type="checkbox"/>			
<input type="checkbox"/>	PTC	<input type="checkbox"/>			
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Aff.Mail	<input type="checkbox"/>	W/		
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>			
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>			
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	X		
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>			
<input type="checkbox"/>	Objections	<input type="checkbox"/>			
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>			
<input type="checkbox"/>	CI Report	<input type="checkbox"/>			
<input type="checkbox"/>	9202	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>			
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>			
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>			
<input type="checkbox"/>	Citation	<input type="checkbox"/>			
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>			
<p>Paternal grandfather: Luis Alonso Mebreno Hernandez Paternal grandmother: Leonidas Arevalo Viuda de Garcia Maternal grandfather: Antonio Hernandez – Deceased. Maternal grandmother: Maxima Hernandez – Deceased.</p> <p>Petitioner states the minor is estranged from his father who lives in New York. The whereabouts of the mother are unknown. Mom abandoned the minor when he was a baby. The minor's paternal grandparents are living in El Salvador and in failing health and are unable to care for the minor.</p> <p>Court Investigator Samantha Henson's Report filed on 1/7/14</p>				<p>Reviewed by: KT</p> <p>Reviewed on: 2/25/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5A – Arevalo-Iraheta</p>	

5A

Petition for Factual Findings Regarding Minor's Eligibility to Apply for Special Immigrant Juvenile Status

Age: 17 years		<p>VERONICA AREVALO, paternal aunt, is petitioner.</p> <p>Petitioner states the petition is being made on the grounds that: (1) the minor is a dependent of the court system (2) the minor's reunification with one or both parents is not viable due to abuse, neglect, abandonment or similar basis and (3) it is not in the best interest of the minor to be returned to his parent's previous country of nationality.</p> <p>Points and Authorities in Support of petition filed on 12/30/13.</p> <p>Declaration of Francisco A. Arevalo-Iraheta (minor) states he was abandoned by his mother as a child. He lived with his grandparents in El Salvador because his father left and eventually married another woman who forbids his father to have contact with him.</p> <p>While living in El Salvador the minor states his life was in danger because he was constantly being approached by the local gang members. His grandparent's health was failing and they were unable to protect him. Also because of their failing health his grandparents were unable to financially provide for him. As a result he came to the United States and is residing with his aunt, Veronica Arevalo.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition was not signed or verified by the Petitioner. Probate Code §1021. Need Notice of Hearing. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> Francisco A. Arevalo-Iracheta Luis Alonso Mebreno Hernandez (paternal grandfather) Leonidas Arevalo Viuda de Garcia (paternal grandmother) Need Order. Judicial Council form no. GC-224.
Cont. from			
Aff.Sub.Wit.			
Verified	X		
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 2/25/14
Updates:
Recommendation:
File 5B – Arevalo-Iraheta

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR REQUEST FOR DISMISSAL ENTERED ON 02/27/2014</u>	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		<input type="checkbox"/>
<input type="checkbox"/>	Verified		<input type="checkbox"/>
<input type="checkbox"/>	Inventory		<input type="checkbox"/>
<input type="checkbox"/>	PTC		<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.		<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg		<input type="checkbox"/>
<input type="checkbox"/>	Aff.Mail		<input type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.		<input type="checkbox"/>
<input type="checkbox"/>	Conf. Screen		<input type="checkbox"/>
<input type="checkbox"/>	Letters		<input type="checkbox"/>
<input type="checkbox"/>	Duties/Supp		<input type="checkbox"/>
<input type="checkbox"/>	Objections		<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt		<input type="checkbox"/>
<input type="checkbox"/>	CI Report		<input type="checkbox"/>
<input type="checkbox"/>	9202		<input type="checkbox"/>
<input type="checkbox"/>	Order		<input type="checkbox"/>
<input type="checkbox"/>	Aff. Posting		<input type="checkbox"/>
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
		Reviewed by: LV	
		Reviewed on: 02/28/2014	
		Updates:	
		Recommendation:	
		File 6 – De La Fuente	

Petition to Invalidate Trust Dated October 1, 2013 and any Amendments on the Grounds of Undue Influence and Incapacity; to Confirm Validity of Trust Dated April 5, 2005 as Restated on August 25, 2006 and Amended on January 14, 2009 and all Assets Held by 2005 Trust; Petition to Determine Validity of Transfer of 2005 Trust Assets; Fraud; Breach of Trust; for Financial Elder Abuse of a Dependent Adult; for Imposition of a Constructive Trust on Wrongfully Transferred Assets; for Trust Accounting; for Double Damages; for Attorney Fees and Cost of Suit; and for Punitive Damages

DOD: 10/14/13		<p>ANTON KREMER, trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, is Petitioner.</p> <p>Petitioner alleges:</p> <ol style="list-style-type: none"> GLORIA ELIZABETH ZSIBA aka GLORIA E. ZSIBA (hereinafter referred to as "Decedent") died on 10/14/13. At the time of her death, she was residence of Fresno County and left real and personal property in Fresno County. Decedent had three living children, Petitioner, Kevin Lee Tracy (hereinafter "Respondent"), and Kenton N. Tracy; and one deceased daughter, Teresa Chambless. In addition, Decedent had 7 grandchildren. Decedent's spouse, Alexander J. Zsiba predeceased her. On 04/05/05, Decedent executed THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2005 Trust"). Respondent was named as the successor trustee. According to the 2005 Trust, the trust estate was to be distributed as follows to her Spouse, if he survived her: <ol style="list-style-type: none"> A life estate in decedent's residence, and the sum of \$70,000 to be set aside and paid monthly in the sum of \$1,000 for his living expenses. <p>Upon either her spouse's death or if he failed to survive her, the trust estate balance was to be distributed as follows:</p> <ol style="list-style-type: none"> 3/4 equally to Decedent's three children – Respondent, Kenton Tracy, and Petitioner. 1/4 equally to the children of decedents deceased daughter, Teresa Chambless. <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Order. Petitioners have requested relief related to elder abuse and undue influence allegations and requests an award of punitive damages. Probate Code §17200 states a trust petition can be filed concerning the internal affairs of a trust or to determine the existence of a trust. This does not include provisions for elder abuse. The allegations in the pleadings are primarily brought under the Welfare and Institutions Code concerning elder abuse, therefore, this case may be more appropriately heard in the civil court rather than the probate court. Need proof of service by mail at least 30 days before the hearing of all persons entitled to notice in this matter. Note: Proof of service has only been filed reflecting personal service on Peter Russo on behalf of his client, Kevin Lee Tracy. It is insufficient to serve a party in "care of" another, therefore also need proof of service by mail at least 30 days before the hearing on Kevin Lee Tracy.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		w/
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		x
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

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5. Also on 04/05/05, decedent signed a Grant Deed to Trust ("2005 Deed") transferring her residence located at 3260 E. Kerchoff in Fresno to herself as trustee under the 2005 Trust. Decedent did not execute or record any grant deed thereafter, so the decedent's real property remained in the 2005 Trust until decedent's death.
6. Petitioner alleges that decedent made a subsequent amendment to the 2005 Trust placing Petitioner as successor trustee.
7. On 08/24/06, decedent executed THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as successor trustee. Petitioner alleges that the 2006 Restatement was drafted by Respondent after he learned that decedent had made an amendment to her 2005 Trust placing Petitioner as successor trustee.
8. Petitioner states that decedent owned a Merrill Lynch (also known as Merrill Edge) account ending in 5148 and held cash and mutual funds. This account was titled and held in the name of the 2006 Restatement. Petitioner states that the title of this account was never changed and her assets in the Merrill Lynch account remained in the name of the 2006 Restatement until her death.
9. On 01/14/09, decedent executed an AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2009 Amendment"). The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as successor trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate.
10. Petitioner alleges that decedent also executed a LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA (the "2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then sets forth distribution of all of her furniture, furnishings, household equipment and any vehicle(s) owned to be distributed $\frac{3}{4}$ equally to her three living children and $\frac{1}{4}$ equally to the children of her deceased daughter. This follows the same distribution set forth in the 2005 Trust and 2006 Restatement.
11. The 2009 Will not only states that decedent had a deceased daughter, but it also specifically names her daughter's heirs at law. The 2009 Will also nominates Petitioner as the first executor and Respondent as the alternate executor.
12. Petitioner states that he took care of and handled decedent's day to day needs from 1997 to 09/09/13. Petitioner alleges that Respondent and his other brother, Kenton Tracy, went years without contact with decedent, and on or about the third week of August 2013, Respondent showed up at decedent's residence. Petitioner states that decedent informed Respondent that she intended to change the 2006 Restatement to leave her home to Petitioner so that the house remained in the family and Petitioner would take care of her cats. Petitioner alleges that this amendment was prepared and signed, but decedent was not able to have it notarized.
13. Petitioner states that decedent wanted to die at home, in her bed with her beloved cats nearby.
14. Petitioner states that on or about 09/09/13 and thereafter, Respondent kept Petitioner away from decedent, which was against decedent's wishes.
15. Petitioner alleges that during the week of 09/09/13, Respondent removed the decedent's check book and debit card from her possession and never returned them.
16. Petitioner alleges that on 09/16/13, Respondent took possession of the decedent's vehicle.
17. Petitioner alleges that from 09/09/13 to present, he has been denied access to decedent's house and cats, under threats of physical violence. Petitioner's vehicle is in the garage at decedent's residence and Respondent will not let Petitioner have access to it.
18. Petitioner alleges that around 09/20/13, Respondent attempted to file a Power of Attorney with Merrill Lynch granting himself control of decedent's Merrill Lynch account. On or about 09/25/13, the Power of Attorney was returned by Merrill Lynch as unacceptable.

Continued on Page 3

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19. Petitioner alleges that decedent's health declined significantly after Respondent prevented Petitioner from seeing and caring for decedent beginning on or about 09/09/13.
20. Petitioner alleges that on 09/26/13, due to Respondent's inadequate care of her health needs, decedent became very ill and her left foot became gangrenous which required amputation.
21. Petitioner alleges that on or about the night of 10/01/13, Respondent coordinated the drafting of a new Living Trust and Will with APS Document Service and hired them to come to decedent's hospital room at Kaiser. Decedent was scheduled to have her left foot amputated the next day. Petitioner alleges that decedent did not hire APS Document Service nor were they hired at her request. Petitioner alleges that while decedent was heavily medicated, she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST (the "2013 Trust").
22. Petitioner alleges that under the terms of the 2013 Trust, Respondent is the only named successor trustee. The 2013 Trust also sets forth a completely different distribution plan than any of her previous estate planning documents. Under the 2013 Trust the distribution of the trust estate will solely go to five of Decedent's grandchildren. The 2013 Trust specifically left nothing to Decedent's three living sons, never mentioned her deceased daughter and forgot two of decedent's grandchildren.
23. Petitioner alleges that along with the 2013 Trust, while decedent was heavily medicated and very ill, she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA (the "2013 Will").
24. Petitioner alleges that the 2013 Will only mentions decedent's three living sons. It does not state that she had a predeceased daughter, nor does it mention the predeceased daughter's heirs at law. The 2013 Will gives all of the Decedent's real and personal property to the 2013 Trust and nominates only Respondent as the Executor.
25. Petitioner alleges that at the time decedent signed the 2013 Trust and the 2013 Will, Kaiser Permanente Hospital believed she was incompetent for the purposes of making medical decisions. Respondent was using a medical Power of Attorney or an Advanced Health Care Directive to make medical decisions for decedent.
26. Petitioner alleges that on 10/03/13 during a bone biopsy, a blood clot caused decedent to have a massive stroke. Petitioner alleges that Kaiser wanted to coordinate in home care so that decedent could live the rest of her days comfortably in her own home as she wanted.
27. Petitioner alleges that Respondent instead transferred decedent to Hinds Hospice and rented out all of decedent's rooms in her home.
28. Petitioner states that decedent did not recover from the stroke, remained unable to speak or communicate for two days and was then unconscious until her death 12 days later. Petitioner alleges that decedent was alienated from her family and left to die alone, in a strange place. Decedent was 79 years old at the time of her death.
29. Petitioner as the named successor trustee under the 2009 Amendment to the 2006 Restatement recorded an Affidavit of Successor Trustee-Death of Trustee and Trustee's Certification on 11/05/13.
30. Petitioner states that after decedent's death, he sent a Trustee Certification form to Merrill Lynch along with copies of the 2006 Restatement and 2009 Amendment so that Petitioner could collect the funds from decedent's Merrill Lynch account to administer them under the 2006 Restatement.
31. Petitioner alleges that Respondent separately filled out the forms and sent copies of trust documents to Merrill Lynch. Petitioner alleges that Merrill Lynch was fully aware that both Petitioner and Respondent were claiming to be decedent's successors in interest to the funds.
32. Petitioner alleges that on 11/14/13 or thereafter, Merrill Lynch transferred approximately over \$40,000.00 from the decedent's account ending in 5148 to an account a Bank of America in Respondent's name. Petitioner alleges that he and his counsel have tried several times to get information from Merrill Lynch regarding the distribution, specifically what forms were submitted by Respondent to attain the funds and why Merrill Lynch distributed the funds to Respondent instead of depositing the funds with the Court.

Continued on Page 4

Page 4

33. Petitioner alleges that the transfer of the funds from decedent's Merrill Lynch account to Respondent was not a valid transfer. The account was held in the name of decedent's 2006 Restatement and the funds should have been transferred to Petitioner as the named successor trustee under the 2009 Amendment. Petitioner requests that the Court find the transfer of funds from decedent's Merrill Lynch account was not valid.
34. Petitioner alleges that Respondent is currently in possession of over \$40,000.00 in funds belonging to decedent's 2006 Restatement of Trust. Petitioner requests that these funds be transferred to Petitioner as successor trustee of the 2006 Restatement.
35. Petitioner alleges that decedent also owned a 2003 Saturn L3, a Bank of America checking account with approximately \$7,000.00 and another bank account.
36. Petitioner alleges that Respondent has possession of and is using decedent's Saturn L3 and has taken all of the funds from her Bank of America checking account. Petitioner requests that all of decedent's personal property be transferred to Petitioner as named Executor of the 2009 Will.
37. Petitioner alleges that on or about 12/10/13, Respondent recorded an Affidavit of Death of Trustee (the "December Affidavit"). Petitioner alleges that the December Affidavit states that Respondent is the successor trustee of the 2005 Trust and "designated and empowered pursuant to the terms of the trust to serve as Trustee thereof." Petitioner alleges that there are no amendments or documents known to Petitioner placing Respondent as the successor trustee of the 2005 Trust or the successor trustee of the 2006 Restatement.
38. Petitioner alleges that Respondent fraudulently recorded the December Affidavit when he was not in fact the successor trustee of the 2005 Trust and had knowledge that Petitioner was the named successor under the 2009 Amendment.
39. Petitioner alleges that the 2013 Trust and 2013 Will were executed at the direct result of undue influence exerted by Respondent over decedent, and that decedent lacked capacity to execute testamentary instruments when the 2013 Trust and Will were executed. Petitioner alleges that decedent was mentally and physically impaired due to being medicated for her severe illness as well as going through withdrawals from Ativan. Petitioner alleges that Kaiser Permanente believed decedent lacked capacity to make medical decisions.
40. Petitioner alleges that the 2013 Trust is contrary to decedent's previous expressed intent and estate plan that decedent had in place for several years and that her mental and physical condition were so deteriorated that Respondent was able to subvert his will over her to execute the 2013 Trust and Will causing her to dispose of her property differently than she would otherwise have done.
41. Petitioner has been damaged by the actions of Respondent, Respondent knew or should have known his conduct was likely to be harmful to Petitioner.
42. At all relevant times, the decedent was a dependent adult as defined by WIC § 15610.30 in that she was over the age of 65 when the alleged actions took place. Respondent had the care and custody of decedent three weeks prior to her being hospitalized.
43. Petitioner alleges that during this period of time, Respondent was influencing decedent in her affairs, secreting her from family, and causing her to make drastic changes to her estate plan that had been in place for some time. Respondent's conduct constituted financial abuse under WIC § 15610.30. Respondent is therefore liable for reasonable attorney fees and costs under WIC § 15657.5.
44. Respondent is guilty of recklessness and oppression and fraud in the commission of the abuse described in this petition.
45. Petitioner alleges that Respondent placed himself in a position of successor trustee of the 2013 Trust and took actions that altered the intended disposition of decedent's estate as set forth in her 2006 Restatement, all to the detriment of Petitioner and other family members. As a result of his actions, Respondent should be removed as trustee and should be held to account for all actions taken by him as successor trustee of the 2013 Trust and all assets he has wrongfully taken from the 2006 Restatement. Petitioner requests that the Court order Respondent to file an accounting with the Court detailing his acts as trustee of the 2013 Trust, and direct that said accounting be filed no later than thirty (30) days after the court makes its order.

Continued on Page 5

46. Petitioner states that under Probate Code § 859, Respondent is liable for an amount equal to twice the value of the property recovered from the invalid transfer of funds from decedent's Merrill Lynch account and the decedent's real and personal property and under Civil Code § 3294, Respondent is liable for punitive damages.

Petitioner prays for an Order:

1. The Court revoke and rescind the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13;
2. Confirming that the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 01/14/09 are valid;
3. Confirming that decedent's real property residence located at 3260 E. Kerckhoff in Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06;
4. Confirming the decedent's remaining personal property not titled in the name of her trust should be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;
5. Confirming that the funds previously held in decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06;
6. Determining that the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed invalid;
7. Imposing a constructive trust on all real and personal property held by Respondent obtained by the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA dated 10/01/13;
8. Declaring that Respondent, Kevin Lee Tracy, committed fiduciary abuse and financial elder abuse as those terms are defined in WIC §§ 15610.30 and 15657.5;
9. For costs of suit including reasonable attorney's fees, as provided by law;
10. For an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
11. For punitive damages as provided by law; and
12. For other relief the Court deems just and proper.

Petition to Determine Validity of Purported Trust Amendment; for an Order Directing Respondent to Return Real and Personal Property; for Double Damages; for Damages for Elder Abuse; for Breach of Fiduciary Duty; for Removal of Trustee; and to Impose Constructive Trust

Richard Dale Fairless DOD: 2-26-13		HEATHER GARRISON, NICOLE ESQUEDA, O.D., and JOSHUA DEAN are Petitioners.		NEEDS/PROBLEMS/COMMENTS:	
		Petitioners are the grandchildren of Decedent RICHARD DALE FAIRLESS (children of his daughter Lee Ann Dean, DOD: 8-27-12) and beneficiaries under the FAIRLESS-TAYLOR REVOCABLE LIVING TRUST OF 2006 created by Decedent, a divorced man, and DONNA L. TAYLOR , his longtime live-in girlfriend.		CONTINUED TO 4-21-14 Per attorney request	
		Petitioners state the 2006 Trust provides that certain real and personal property of the trust estate is the separate property of Decedent and provides that on the death of the surviving settlor, Decedent's separate property shall be distributed in equal shares to his children Lee Ann Dean and Dawn Miller aka Dawn Fitzpatrick. Lee Ann is also the named successor trustee. Lee Ann predeceased the Decedent on 8-27-12; therefore, pursuant to Section 4.07(A)(1) of the 2006 Trust, her children (Petitioners) replace her as remainder beneficiaries, along with Dawn Miller) of the Decedent's separate property.		1. It appears this matter should be filed in the civil court and not in this probate court as a trust action, as Petitioners have included causes of action including elder abuse and request findings of undue influence and award including punitive and exemplary damages pursuant to Civil Code §3294.	
	Aff.Sub.Wit.			Probate Code §17200 states a trust petition can be filed concerning the internal affairs of a trust or to determine the existence of a trust. This does not include provisions for elder abuse. The allegations in the pleadings are primarily brought under the Welfare and Institutions Code concerning elder abuse.	
✓	Verified			If this matter goes forward here, see following pages for technical issues.	
	Inventory			Reviewed by: skc	
	PTC			Reviewed on: 2-26-14	
	Not.Cred.			Updates: 2-27-14	
✓	Notice of Hrg			Recommendation:	
✓	Aff.Mail	w		File 8 – Fairless-Taylor	
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order	X			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
		About 7-21-11, the settlors purportedly executed an amendment disinheriting the Decedent's children as beneficiaries and instead providing for distribution of Decedent's separate property among Respondent's children: Jenny Renfro, Jeanette Taylor, and Michael Taylor, or their issue. The purported amendment names Michael Taylor as successor trustee. The purported amendment states that because Decedent's children "have not contacted him for several years, they shall be stricken from being beneficiaries of [the] Trust and stricken from taking anything from his estate on his death."			
		Petitioners request the Court rescind and nullify the purported amendment on the following grounds:			
		SEE ADDITIONAL PAGES			

Page 2

1. **Lack of Capacity:** Petitioners state in February 2011, approx. five months before Decedent signed the purported amendment, Lee Ann hosted a party for his 80th birthday. Petitioners observed at that time that he was confused and did not seem to understand that the party was to celebrate his birthday. In July 2011, the same month Decedent signed the purported amendment, Respondent informed Petitioner Joshua Dean that Decedent would not be present at Joshua's wedding because he would not understand the events and could not handle being at the wedding. Petitioners allege that at the time of execution of the purported amendment, Decedent did not have sufficient mental capacity to understand the nature of his actions, understand and recollect the nature of the situation of his property, or remember and understand his relations to his family members.
2. **Undue Influence:** Petitioners allege the purported amendment was executed as a direct result of undue influence exerted by Respondent over Decedent including: Respondent took control of Decedent's financial affairs for approx. five years before and up to his death. About August 2008, Decedent signed a durable power of attorney which purports to name Respondent as agent. Respondent was a fiduciary of Decedent at this time. During the last two years of his life, Respondent made misrepresentations to Decedent and otherwise manipulated him in his compromised mental state to convince him that his children had not contacted him for many years. Respondent took advantage of Decedent's diminished capacity and surreptitiously arranged for Decedent to sign the purported amendment under the false assertion that his children had not contacted him for several years. She actively procured the purported amendment as part of a pattern of conduct aimed at wrongfully gaining control of Decedent's separate property. Petitioners state they and their mother Lee Ann always enjoyed a close relationship with the decedent. Lee Ann lived in a house on Decedent's property, approx. 100 yards from Decedent's home, and visited frequently, using his pool almost daily in the summer. He likewise routinely used Lee Ann's shop, electricity, and utility vehicle for farming activities. The allegation that Decedent's children had not contacted him for several years is a falsehood concocted by Respondent to explain the change of disposition of his separate property and confers an undue benefit on Respondent and her children. Petitioner provides authority regarding the presumption of undue influence and state Petitioners have alleged sufficient facts to raise the presumption and shift burden of proof to Respondent.
3. **Fraud:** Petitioners allege that by engaging in the acts stated above, Respondent made fraudulent representations that she knew to be false to Decedent to induce him to sign the purported amendment. These acts were done maliciously, oppressively, and with the intent to defraud Decedent and the trust so that punitive and exemplary damages pursuant to Civil Code §3294 should be awarded. The purported amendment is invalid as it was procured by fraud.
4. **Probate Code §850:** Petitioners state the subject assets including real property, stock, and farm equipment were titled either in Decedent's name individually or in his name as trustee of the trust. Petitioners believe Respondent as trustee is in the process of selling Decedent's separate real property and intends to sell his stock, which he co-owned with his deceased brother. Petitioners believe Respondent sold farm equipment and scrap metal from the Caruthers property beginning in March 2013. Petitioners contend the assets should be returned to the Decedent's estate and/or trust as their respective interests appear, together with any other benefits received during Respondent's possession of such assets, plus interest. Petitioner are entitled to recover twice the value of the property taken pursuant to Probate Code §859.

SEE ADDITIONAL PAGES

Page 3

5. **Elder Abuse under W&I Code §15610 et seq.** See petition for details. By wrongful acts, misrepresentations, and omissions set forth previously, Petitioners allege Respondent took, secreted, misappropriated or retained Decedent's separate property and did so to a wrongful use with intent to defraud, etc. Petitioners reference Code of Civil Procedure regarding attachment to be issued for damages and Civil Code §3345(b)(1) regarding the findings.
6. **Breach of fiduciary duty.** Petitioners state Decedent placed his trust in Respondent and relied on her advice and care. As a direct and proximate result, the Decedent and trust suffered damages. These acts were done with the intent to defraud so that punitive and exemplary damages pursuant to Civil Code should be awarded.
7. **Removal under Probate Code §15642.** Petitioners state the foregoing constitute breaches pursuant to Probate Code.
8. **Imposition of Constructive Trust.** Petitioners state Respondent holds title to all assets and income derived therefrom as constructive trustee for the benefit of the persons entitled to distribution of the trust.

Petitioners pray for an order of this Court:

1. Finding the purported amendment void due to the mental incapacity of Decedent;
2. Finding the purported amendment void due to the undue influence of Respondent;
3. Finding the purported amendment void due to the fraudulent acts of Respondent;
4. Declaring that Respondent holds the assets of the trust in constructive trust for the trustee of the trust;
5. For removal of Respondent as trustee and appointment of a new trustee per Section 7.01 of the trust;
6. For double damages pursuant to Probate Code §859;
7. For interest provided by law including but not limited to Civil Code §3291;
8. For attorneys' fees and costs pursuant to W&I Code §15610.30;
9. For punitive and exemplary damages against Respondent in a sum sufficient to punish and make an example of Respondent;
10. Declaring that Respondent forfeited her interest in any recovery of any damages and costs awarded under this action in the Decedent's separate property held as part of the trust estate and that her interest shall instead be distributed as though she predeceased execution of the trust without issue;
11. Awarding costs to petitioners; and
12. For such other orders as the Court may deem proper.

NEEDS/PROBLEMS/COMMENTS (CONTINUED): If this matter goes forward here:

2. Petitioner Joshua Dean did not verify the petition.
3. Petitioners state copies of the 2006 trust and 2011 purported amendment, as well as the 2008 durable power of attorney, are attached; however, there are no attachments. Need copies of attachments.
4. A copy of the petition, including attachments, is required to be served on persons entitled to notice (§851). Notice of Hearing indicates a copy of the petition was included in the service; however, if the attachments were missing, continuance for amended service may be necessary.
5. Upon further review, including attachments, there may be additional issues.

Atty Armas, J. Todd (for Petitioner Cheryl Mason)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 1/21/2013		CHERYL MASON , named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 8/23/2004 Codicil dated: 9/17/2012 Residence: Fresno Publication: Fresno Business Journal. <u>Estimated value of the estate:</u> Personal property - \$ 10,000.00 Real property - \$486,000.00 Total - \$496,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: 1. #8 of the petition does not include the name and date of death of the deceased spouse. Local Rule 7.1.1D. 2. #8 of the petition does not include the name and address of the Trustee of the Mason Family Trust. 3. Codicil is not self-proving. Need proof of subscribing witness. 4. Need proof of service of the Notice of Petition to Administer the Estate on the Trustee of the Mason Family Trust. <u>Note:</u> If the petition is granted, status hearings will be set as follows: • Friday, August 1, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Friday, May 1, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			S/P
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			X
<input type="checkbox"/>	Duties/Supp			X
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT Reviewed on: 2/26/14 Updates: 2/28/14 Recommendation: File 9 – Mason				

Petition for Appointment of Temporary Guardianship of the Estate

Age: 17 years		<u>TEMPORARY EXPIRES 3/3/14</u>		NEEDS/PROBLEMS/COMMENTS: 1. General petition does not include the mandatory Guardianship Petition Child Attachment (Judicial Council form #GC-210A). – This document will be needed prior to the general hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice on: a. Kassandra Dominique Higgins (minor). b. Fresno County Department of Social Services (since the minor is in the foster care system). Probate Code 2250(e)(1) and 1511 (b)(2).
		<u>GENERAL HEARING 3/26/14</u>		
Cont. from		PUBLIC GUARDIAN is petitioner and requests appointment as guardian of the estate.		
	Aff.Sub.Wit.		Estimated value of the estate: Personal property - \$133,000.00	
✓	Verified			
	Inventory		Father: DECEASED Mother: DECEASED	
	PTC			
	Not.Cred.		Paternal grandparents: not listed Maternal grandparents: not listed	
✓	Notice of Hrg			
	Aff.Mail		Petitioner states the minor is in the dependency system. The dependency court referred the matter to the Public Guardian after the minor complained that her uncle would not give her information about the assets she would receive from her father's estate. The uncle would not speak to the Public Guardian. In addition there are proceedings in North Carolina regarding property of the minor's father's estate. Finally, there are military benefits through her father that the minor is entitled to. Guardianship is required in order to collect the benefits. The Public Guardian asserts that a temporary guardianship is needed to collect the military benefits and to seek return of any misappropriated assets.	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
	Conf. Screen	N/A		
	Letters			
	Duties/Supp	N/A		
	Objections			
	Video Receipt			
	CI Report			
	9202		Reviewed by: KT Reviewed on: 2/26/14 Updates: Recommendation: File 10 – Higgins	
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA	N/A		
	Citation			
	FTB Notice			

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 10/06/01		<p>SARAH LOPEZ LOPEZ was appointed Executor with full IAEA authority and without bond on 6/25/2002.</p> <p>Letters issued 6/25/2002.</p> <p>I & A filed on 12/26/2002 showing the estate valued at \$157,395.49.</p> <p>First account or petition for final distribution was due 6/25/2003.</p> <p>Status Report of Executor filed on 10/30/2013 states sometime in 2005, counsel's files for the estate were inadvertently placed in a box of closed files and taken to counsel's storage unit not located at counsel's office. Counsel had no contact with the Executor after July 12, 2005. Counsel was unaware that the estate had not closed until he received the Notice of Status Hearing from the Court. Counsel sincerely apologizes to the Court, the Executor and all interested parties for his failure to complete his professional duties required to close the estate in a timely manner.</p> <p>Counsel has met with Sarah Lopez Lopez regarding the status hearing and need to close the estate. Ms. Lopez believed the estate had been closed for several years.</p> <p>Counsel has contacted the Law Offices of Joanne Sanoian to assist him and the Executor in settling the estate. Counsel anticipates the Final Account and Report of Executor can be filed by January 15, 2014.</p> <p>Status Report of Executor filed 01/28/14 states: it has been determined that additional documents are needed to complete an accounting and prepare the Petition for Final Distribution. Executor has looked through her files and found some things, but states that several boxes of files believed to have contained the estate files, suffered water damage and were discarded. The Executor has contacted Bank of America and requested copies of the estate bank statements from June 2002 – December 2004 and was informed that the statements were purged after 7 years and were therefore unavailable. With the limited records available, Counsel has been able to prepare an accounting, however, due to illnesses in Counsel's family, he has not been able to complete the report of the Executor. Counsel estimates that the report is 90% complete and could be filed within 2 weeks requests a 4 week continuance, with the understanding that the continued status hearing will come off calendar if the Accounting is filed by then.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>CONTINUED FROM 01/31/14</u></p> <p>As of 02/25/14, nothing further has been filed in this matter.</p>
Cont. from 110813, 013114			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	06/25/02		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: JF

Reviewed on:
02/25/14

Updates:

Recommendation:

File 11 – Nelson

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 2/23/2002	<p>RUTH RATZLAFF was appointed as Executor with full IAEA authority and without bond on 7/23/2002.</p> <p>Inventory and appraisal filed on 10/11/2002 showing and estate valued at \$58,535.48, of which 48,149.26 was cash.</p> <p>First account or petition for final distribution was due 7/23/2003.</p> <p>Notice of Status Hearing was mailed to attorney Catherine Sharbaugh on 9/11/13.</p> <p>Note: The beneficiaries of this estate are several charities; Nature Conservancy, Fresno Zoological Society, Children's International, Saint Labre Indian School, Poverello House and St. Agnes Hospice.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/31/14. Minute order states Ms. Ratzlaff informs the court that there is about \$67,000.00 in the bank.</p> <p>1. Need First Account, Petition for Final Distribution <u>or</u> current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>				
Cont. from 110813, 112113, 013114						
Aff.Sub.Wit.						
Verified						
Inventory						
PTC						
Not.Cred.						
Notice of Hrg						
Aff.Mail						
Aff.Pub.						
Sp.Ntc.						
Pers.Serv.						
Conf. Screen						
Letters						
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Citation						
FTB Notice						
<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 2/25/14</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 12 – Bruce</td> </tr> </table>		Reviewed by: KT	Reviewed on: 2/25/14	Updates:	Recommendation:	File 12 – Bruce
Reviewed by: KT						
Reviewed on: 2/25/14						
Updates:						
Recommendation:						
File 12 – Bruce						

DOD: 01/06/09	MARY SUE LANCASTER , sister, was appointed Administrator with full IAEA and without bond on 09/15/09. Letters of Administration were issued on 09/15/09.	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u> Petition for Final Distribution filed 02/28/14 and set for hearing on 04/08/14</p> <p><u>CONTINUED FROM 01/31/14</u> Minute Order from 01/31/14 states: No appearances. Matter continued to 03/03/14. Larry Donaldson is ordered to be personally present on 03/03/14. The Court will be expecting to hear from Mr. Donaldson as to when he anticipates filing the petition for final distribution.</p> <p>1. Need Account/Report on Waiver of Account and Petition for Final Distribution.</p> <p>Note: It appears that the Waiver of Accounting and Receipt on Distribution filed on 02/19/14 were intended to serve as a Report on Waiver of Account and Petition for Final Distribution; however, the documents filed are not sufficient to constitute a Report on Waiver of Account and Petition for Final Distribution. The report lacks most of the required elements and no hearing date was set.</p>
Cont. from 090613, 101813, 013114	Notice of Status Hearing filed 07/17/13 set this matter for status.	
Aff.Sub.Wit.	Status Conference Statement filed 10/17/13 states: The Inventory & Appraisal has been delivered to the Probate Referee on 10/17/13. The attorney lost touch with the Administrator in 2010 and this matter was filed away and forgotten by the attorney. The attorney received notice to appear from the court on 09/11/13 stating that he had failed to appear on 09/06/13 but did not receive any notice of the 09/06/13 hearing. The Administrator contacted the attorney on 10/11/13. The Administrator is the only surviving heir of the decedent. As soon as the I & A is received back from the probate referee it will be filed with the Court and a waiver of accounting and request for final Order will be filed.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	Inventory & Appraisal, final, filed 01/29/14 - \$164,886.42	
Aff. Posting	Waiver of Accounting filed 02/19/14 by Sue Lancaster.	
Status Rpt	Receipt on Distribution filed 02/19/14 by Sue Lancaster.	
UCCJEA		
Citation		
FTB Notice		

Reviewed by: JF
Reviewed on: 02/25/14
Updates: 02/28/14
Recommendation:
File 13 – Lancaster

DOD:10/05/11		JOSEPH COMMINS , son, was appointed as Administrator without bond on 09/27/12. Letters of Administration were issued on 10/01/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 010314, 013114		Inventory & Appraisal filed 11/26/12 - \$150,000.00	<u>CONTINUED FROM 01/31/14</u> Minute Order from 01/31/14 states: Counsel informs the Court that an agreement regarding distribution of the business and the house is circulating. Subsequent to the matter being called, Joseph Commins appears and is informed of the next hearing date.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		1. Need Accounting/Report of Administrator on Waiver of Account and Petition for Final Distribution <u>and/or</u> current written status report.
<input checked="" type="checkbox"/>	Inventory	Clerk's Certificate of Mailing filed 01/03/14 indicates that a copy of the Minute Order was mailed to Gary Huss and Joseph Commins on 01/03/14.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Distribution Agreement was filed 02/19/14.	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		Reviewed by: JF Reviewed on: 02/25/14 Updates: Recommendation: File 14 – Commins
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

DOD: 05/05/2013		<p>MICHAEL MALONEY, brother, was appointed Administrator with full IAEA authority without bond on 08/29/2013.</p> <p>Letters issued on 09/04/2013.</p> <p>Minute Order of 08/29/2013 set this matter for hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Off Calendar Inventory and Appraisal filed 02/20/2014</u></p>
Cont. from 013114			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
<p>Reviewed by: LV</p> <p>Reviewed on: 02/26/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Maloney</p>			

		KA'REN VARTAN KETENDJIAN is conservator.	NEEDS/PROBLEMS/COMMENTS:
		Order settling the first account for the account period ending on 12/31/2011 was signed on 5/17/12.	1. Need second account <u>or</u> current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from		Property on hand at the end of the first account totaled \$341,592.10.	
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	Current bond is \$140,910.00	
	Aff.Mail	Order settling the first account set this status hearing for the second account.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/26/14
			Updates:
			Recommendation:
			File 16 – Ketendjian

17A Ricaso Haynes, Richard Haynes, Xavier Vindiola & (GUARD/P)**Jennaszie Bustos****Case No. 11CEPR00403**

Atty Puentes, Jessica Lissette (Pro Per -Co-Guardian)
Atty Jackson, Aaron Jerome (Pro Per – Co-Guardian)
Atty Vindiola, Martina (Pro Per – Petitioner – Paternal Grandmother)
Atty Vindiola, Jesse (Pro Per – Father)

Petition for Visitation

Age: 13	MARTINA VINDIOLA , paternal grandmother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Page 17B is the Petition for Termination filed by the father, Jesse Vindiola.</u> This Petition pertains to Xavier Vindiola only. 1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing on the following: <ul style="list-style-type: none">• Jessica Puentes (Co-Guardian)• Aaron Jackson (Co-Guardian)• Jesse Vindiola (Father)• Xavier Vindiola (Minor)					
Cont. from 011614	JESSICA PUENTES and AARON JACKSON , maternal aunt and uncle, were appointed guardians on 02/08/2012.						
<input type="checkbox"/> Aff.Sub.Wit.	Father: JESSE VINDIOLA	<table border="1"><tr><td>Reviewed by: LV</td></tr><tr><td>Reviewed on: 02/26/2014</td></tr><tr><td>Updates:</td></tr><tr><td>Recommendation:</td></tr><tr><td>File 17A – Haynes, Vindialo & Bustos</td></tr></table>	Reviewed by: LV	Reviewed on: 02/26/2014	Updates:	Recommendation:	File 17A – Haynes, Vindialo & Bustos
Reviewed by: LV							
Reviewed on: 02/26/2014							
Updates:							
Recommendation:							
File 17A – Haynes, Vindialo & Bustos							
<input checked="" type="checkbox"/> Verified	Mother: JENNIFER NICHOL PUEENTES , Deceased						
<input type="checkbox"/> Inventory	Petitioner states: she cares for the minor's sister and it has been over six months since the children have seen each other. Petitioner feels that the children should have some type of visitation. Petitioner has tried to contact Jessica Puentes, co-guardian, but she does not answer or return her phone calls. Petitioner has attempted to visit the child but the co-guardian says the child is grounded or is not home. Petitioner states that it has been over two years that she has had the child over for a weekend visit.						
<input type="checkbox"/> PTC							
<input type="checkbox"/> Not.Cred.							
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>						
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>						
<input type="checkbox"/> Aff.Pub.							
<input type="checkbox"/> Sp.Ntc.							
<input type="checkbox"/> Pers.Serv.							
<input type="checkbox"/> Conf. Screen							
<input type="checkbox"/> Letters							
<input type="checkbox"/> Duties/Supp							
<input type="checkbox"/> Objections							
<input type="checkbox"/> Video Receipt	Current Visitation pursuant to Minute Order of 08/10/2011: visitation with the minor is to be arranged between Ms. Puentes and the paternal grandmother.						
<input type="checkbox"/> CI Report							
<input type="checkbox"/> 9202							
<input type="checkbox"/> Order	<input checked="" type="checkbox"/>						
<input type="checkbox"/> Aff. Posting							
<input type="checkbox"/> Status Rpt							
<input type="checkbox"/> UCCJEA							
<input type="checkbox"/> Citation							
<input type="checkbox"/> FTB Notice							

17A

17B Ricaso Haynes, Richard Haynes, Xavier Vindiola & (GUARD/P)**Jennaszie Bustos****Case No. 11CEPR00403****Atty Puentes, Jessica Lissette (Pro Per -Co-Guardian)****Atty Jackson, Aaron Jerome (Pro Per – Co-Guardian)****Atty Vindiola, Martina (Pro Per – Paternal Grandmother)****Atty Vindiola, Jesse (Pro Per – Father – Petitioner)****Petition for Termination of Guardianship**

Age: 13	JESSE VINDIOLA , father, is petitioner.		NEEDS/PROBLEMS/COMMENTS:
	JESSICA PUENTES and AARON JACKSON , maternal aunt and uncle, were appointed guardians on 02/08/2012.		This Petition pertains to Xavier Vindiola only. <ol style="list-style-type: none"> Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Jessica Puentes (Guardian) Aaron Jackson (Guardian) Martina Vindiola (Paternal Grandmother) Margarita Puentes (Maternal Grandmother) Proof of service is incomplete on Jessica Puentes and Aaron Jackson. The time and place of service was not completed therefore it is unclear if notice was given or if notice was timely.
Cont. from	Mother: JENNIFER NICHOL PUINTES , Deceased		
<input type="checkbox"/> Aff.Sub.Wit.	Paternal Grandfather: Unknown		
<input checked="" type="checkbox"/> Verified	Paternal Grandmother: Martina Vindiola		
<input type="checkbox"/> Inventory	Maternal Grandfather: Deceased		
<input type="checkbox"/> PTC	Maternal Grandmother: Margarita Puentes		
<input type="checkbox"/> Not.Cred.	Petitioner states: that he requests to terminate guardianship due to the current guardians not doing their part. Petitioner is asking that the Court give him a chance to be a father to his son.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states that the child is going through some difficult times right now and needs his father.		
<input checked="" type="checkbox"/> Aff.Mail	w/o		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen	Declaration filed by the father, Jesse Vindiola on 01/13/2014 states the guardians, Jessica Puentes and Aaron Jackson, continuously move the child around to different family members. The child is currently living with an aunt in Las Vegas, Nevada.		
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report	Court Investigator Julie Negrete's report filed on 02/07/2014.		
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 02/26/2014
			Updates:
			Recommendation:
			File 17B – Haynes, Vindialo & Bustos

17B

18 Patrick James Beebe (GUARD/E)
Atty Beebe, James Kern (pro per Petitioner/guardian)
Atty Beebe, Yvette Renee (pro per Petitioner/guardian)

Case No. 12CEPR00753

(1) First Account and Report of Guardian of Estate and (2) Petition for Approval

Age: 10 years		JAMES KERN BEEBE and RENEE YVETTE BEEBE , guardians, are petitioners. Account period: 10/3/12 – 11/30/12 Accounting - \$9,733.44 Beginning POH - \$9,712.24 Ending POH - \$9,733.44 Guardians - waive	NEEDS/PROBLEMS/COMMENTS: <u>Continued to 4/3/14</u> at the request of the petitioner. 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: a. Patrick James Beebe	
Cont. from 013014				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	2620(c)			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT Reviewed on: 2/26/14 Updates: Recommendation: File 18 – Beebe	

19 Parker Kern Beebe (GUARD/E)

Case No. 12CEPR00754

Atty Beebe, James Kern (pro per Petitioner/guardian)

Atty Beebe, Yvette Renee (pro per Petitioner/guardian)

(1) First Account and Report of Guardian of Estate and (2) Petition for Approval

Age: 9 years		JAMES KERN BEEBE and RENEE YVETTE BEEBE , guardians, are petitioners. Account period: 10/3/12 – 11/30/12 Accounting - \$9,733.44 Beginning POH - \$9,712.24 Ending POH - \$9,733.44 Guardians - waive	NEEDS/PROBLEMS/COMMENTS: <u>Continued to 4/3/14</u> at the request of the petitioner. 3. Need Notice of Hearing. 4. Need proof of service of the Notice of Hearing on: b. Parker Kern Beebe
Cont. from 013014			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Petitioners pray for an order: 2. Settling and allowing the account and report and approval and confirmation of the acts of petitioners as guardians.			
			Reviewed by: KT
			Reviewed on: 2/26/14
			Updates:
			Recommendation:
			File 19 – Beebe

20 Isaac Roman & Ilin Roman (GUARD/P)

Case No. 13CEPR00983

Atty Roman, Guillermo (Pro Per – Maternal Grandfather – Petitioner)

Atty Avila, Maria Guadalupe (Pro Per – Maternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Isaac age: 5 years		TEMPORARY EXPIRES 3/3/14 GUILLERMO ROMAN and MARIA GUADALUPE AVILA , maternal grandparents, are petitioners. Father (both minors): UNKNOWN – Court dispensed with notice to the fathers by minute order dated 1/2/14. Mother: CRYSTAL ROMAN – personally served on 12/11/13. Paternal Grandparents: Unknown Petitioners state they are the grandparents of the children. The mother is using drugs and is not taking care of the children properly. They fear the children may be in danger because of the mother's uncontrolled drug use. For the safety of the children they are requesting a guardianship. Court Investigator Jennifer Young's Report filed on 2/21/14.	NEEDS/PROBLEMS/COMMENTS:	
Ilin age: 1 year				
Cont. from 011314				
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
✓	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
✓	Pers.Serv.			W/
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
✓	CI Report			
<input type="checkbox"/>	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
✓	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 2/25/14	
			Updates:	
			Recommendation:	
			File 20 – Roman	

Age: 2		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		JUANITA JOSEPHINE JACKSON , maternal grandmother, is petitioner.		1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
Cont. from		Father: CHRISTOPHER BOYD SKINNER , Declaration of Due Diligence filed 12/30/2013		<ul style="list-style-type: none"> Christopher Boyd Skinner (Father) – Unless the Court dispenses with notice. 	
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified			Note: Declaration of Due Diligence filed 12/30/2013 states she was unable to reach the father at his address. His mother would not provide the petitioner with his information. <ul style="list-style-type: none"> Nyikenah Jalisa Lee (Mother) 	
<input type="checkbox"/>	Inventory	Mother: NYIKENAH JALISA LEE , personally served on 12/30/2013		2. Proof of service of the Notice of Hearing for Nyikenah Jalisa Lee, mother, was signed by the petitioner. Someone other than the petitioner is required to serve all necessary parties.	
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg	Paternal Grandparents: Not Listed		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>		<ul style="list-style-type: none"> Paternal Grandparents (Not Listed) Maternal Grandfather (Not Listed) 	
<input type="checkbox"/>	Aff.Pub.	Maternal Grandfather: Not Listed			
<input type="checkbox"/>	Sp.Ntc.				
<input checked="" type="checkbox"/>	Pers.Serv.	Petitioner states: the child's mother is young and has never had a teenage life, she is need of help and petitioner is closely bonded to the child since birth. Petitioner is seeking guardianship so that she can create a good stable environment without the parents being able to disregard the petitioner's education goals for the child.			
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections	Court Investigator Dina Calvillo's report filed 02/24/2014		Please see additional page	
<input type="checkbox"/>	Video Receipt			Reviewed by: LV	
<input type="checkbox"/>	CI Report			Reviewed on: 02/26/2014	
<input type="checkbox"/>	9202			Updates:	
<input checked="" type="checkbox"/>	Order			Recommendation:	
<input type="checkbox"/>	Aff. Posting			File 21 – Skinner	
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				

Needs/Problems/Comments continued:

4. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached.
5. UCCJEA does not provide the child's residence since birth as required.

**Petition for Probate of Will and for Letters of Administration with Will Annexed;
 Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 1/8/14		DENNIS H. JOHNS , named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Petition includes, but is not limited to, the following deficiencies: 1. #2b is marked for both Executor and Administrator with Will Annexed. 2. #5a(3) or 5a(40) of the petition was not marked re: registered domestic partner. 3. #5a(7) or 5a(8) of the petition was marked re: issue of a predeceased spouse. 4. Not all beneficiaries of the estate are listed on #8. 5. Need name and date of death of predeceased spouse. Local Rule 7.1.1D. 6. Copy of the Decedent's will was not attached to the petition as required. 7. Need Affidavit of Publication 8. Need supplement to the Duties and Liabilities. 9. Need Notice of Petition to Administer the Estate. Please see additional page
		Full IAEA – not published for	
Cont. from		Will dated: 1/14/2008	Estimated value of the estate: Personal property - \$ 11,000.00 Annual income - \$ 9,000.00 <u>Real property</u> - \$288,477.00 Total - \$299,486.00 Probate Referee: Rick Smith
<input type="checkbox"/>	Aff.Sub.Wit.	S/P	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.	X	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp	Need Supp	
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT Reviewed on: 2/26/14 Updates: Recommendation: File 22 – Johns

10. Need proof of service of the Notice of Petition to Administer the Estate on:

- a. Charlotte Johns
- b. Sharon Johns
- c. Gary Johns
- d. Jared Johns
- e. Nicolas Miniello III
- f. Mia Lynn Minnelli
- g. Kara Lanette Andrews
- h. Mark Johns
- i. Less Johns

11. Proposed personal representative is a resident of Alaska. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court. If bond is required it should be set at \$300,000.00

Note: If the petition is granted, status hearings will be set as follows:

- **Friday, April 4, 2014** at 9:00 a.m. in Department 303, for the filing of the bond, if required.
- **Friday, August 1, 2014** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Friday, May 1, 2015** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Age: 15 years		GENERAL HEARING 4/21/14		NEEDS/PROBLEMS/COMMENTS:	
		TAMMY JEAN GAULT, maternal grandmother, is petitioner.		There is no vacancy in the office of Guardian. Guardianship has been established in San Mateo County. Trisha Peterson (step-mother) is the current guardian.	
		Father: MATTHEW JOHN BURNHAM			
Cont. from		Mother: BILLI JEAN STUART		Note: Court records from San Mateo County indicates that current guardian Trisha Peterson has filed a Petition to Terminate the Guardianship. Minute order from the hearing on 2/19/14 indicates the matter will be reconsidered based on the status of the grandmother's [Tammy Jean Gault] petition. The next hearing in San Mateo County is on 4/23/14.	
	Aff.Sub.Wit.		Paternal grandfather: Unknown	1. Need Notice of Hearing. 2. Need proof of <u>personal</u> service of the Notice of Hearing along with a copy of the temporary petition or consent and waiver of notice or declaration of due diligence on: a. Trisha Peterson (guardian) b. Matthew Burnham (father) c. Billi Jean Stuart (mother) d. McKenna Stuart-Burnham (minor)	
✓	Verified		Paternal grandmother: Rosalie Burnham		
	Inventory		Maternal grandfather: Gary Stuart, Jr.		
	PTC				
	Not.Cred.				
	Notice of Hrg	X			
	Aff.Mail	X			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen		Petitioner states the stepmother has ended the guardianship. The father is in prison. The court previously denied the mother custody, visitation or any other contact with the minor due to substance abuse and mental health issues. The minor has asked the petitioner to be her guardian. Petitioner states she is willing and able to care for the minor.	3. Need Duties of Guardian	
	Letters	X			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order	X			
	Aff. Posting				
	Status Rpt				
✓	UCCJEA			Reviewed by: KT	
	Citation			Reviewed on: 2/27/14	
	FTB Notice			Updates:	
				Recommendation:	
				File 23 – Stuart-Burnham	